

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 30, 2004**

CRIM No. G031656	THE PEOPLE v. JOSEPH WILLIAM SANDERS	Not for publication
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Opinion filed. Judgment affirmed as modified.

Fybel, J.

We concur: Bedsworth, Acting P.J.
Aronson, J.

CIVIL No. G032166 G032344	AMERICAN INTERBANC MORTGAGE LLC v. BANKRATE, INC., et al.	Not for publication
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Opinion filed. Orders affirmed.

Rylaarsdam, Acting P.J.

We concur: O'Leary, J.
Fybel, J.

CIVIL No. G032309	TERRY KITT et al. v. JH REAL ESTATE PARTNERS et al.
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Order filed. Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED. (Cal. Rules of Court, rule 20(c)(2).) Each party shall bear their own costs on appeal. The clerk of this court is directed to issue the remittitur forthwith.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 30, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032324	VINCENT BYRON POOL	

Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Bedsworth, Acting P.J.
Moore, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033522	ALFREDO HERNANDEZ	

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.
Ikola, J.

CRIM	THE PEOPLE
No.	v.
G033898	CHARLES D. SCHWARZ

G033832	In re CHARLES D. SCHWARZ
G033849	on
	Habeas Corpus

Order filed. On the court's own motion and for good cause, the petitions for a writ of habeas corpus on case numbers G033832 and G033849 are CONSOLIDATED with the direct appeal on case number G033898. Petitioner's counsel in the direct appeal is appointed to represent petitioner on case numbers G033832 and G033849. The clerk of this court is directed to send counsel a copy of the petitions and correspondence from petitioner on case numbers G033832 and G033849.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 30, 2004 (Cont'd)**

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY et al.
G033985 v.
 KENNETH M.

Order filed. Counsel for appellant Kenneth M., has filed a letter stating no arguable issues could be found and has so notified him. Kenneth M., was granted 30 days to present any issue he believed was arguable by filing a supplemental brief, but he did not do so. Accordingly, the appeal is DISMISSED. (In re Sade C. (1996) 13 Cal.4th 952,994.)

Sills, P.J.

CIVIL WESTCHESTER FIRE INSURANCE
No. COMPANY et al.
G034256 v.
 NATIONWIDE MUTUAL INSURANCE
 COMPANY

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is GRANTED. The order of dismissal is VACATED and the appeal is REINSTATED. The clerk of this court is directed to forthwith file the appellant's Civil Case Information Statement and Settlement Conference Form, submitted with appellant's motion filed on August 26, 2004. The Orange County Superior Court, Appellate Division is directed to continue with the preparation of the record on appeal in compliance with the California Rules of Court.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004**

CRIM THE PEOPLE
No. v.
G031061 SHAUN ERIC WRIGHT

Certified for publication

Opinion filed. Judgment affirmed in part and reversed in part.

Bedsworth, J.

I concur: Moore, J.
I dissent: Sills, P.J.

CRIM THE PEOPLE
No. v.
G031303A DANIEL PEREZ et al.

Order filed. On the Court's own motion and for good cause, the remittitur issued August 25, 2004, was issued in error. The issuance of the remittitur is ordered STRICKEN. The remittitur is ordered RECALLED. The Orange County Superior Court, Appellate Division, is directed to strike the filing of the remittitur and return it to this court forthwith.

Sills, P.J.

CRIM THE PEOPLE
No. v.
G031791 JEFFREY WAYNE MINOR
G031792

Certified for publication

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004 (Cont'd)**

CIVIL JOHN P. O'MEARA
No. v.
G031856 CITY OF HUNTINGTON BEACH et al.

Order filed. Defendants and appellants having filed a request for dismissal in this court, the cross-appeal is DISMISSED. The remittitur shall issue forthwith. (Cal. Rules of Court, rule 20(c)(2).) In all other respects, the above entitled appeal is to remain in full force and effect.

Sills, P.J.

CIVIL SECURED EQUITIES CORPORATION
No. v.
G031924 BRUCE ELIEFF

Order filed. Appellant having filed a request for dismissal in this court, the appeal is DISMISSED. The remittitur shall issue forthwith. (Cal. Rules of Court, rule 20(c)(2).)

Sills, J.

CIVIL CALIFORNIA SCHOOL EMPLOYEES
No. ASSOCIATION et al.
G032195 v.
GOVERNING BOARD OF THE SOUTH
ORANGE COUNTY COMMUNITY
COLLEGE DISTRICT

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The reason submission is vacated is to allow additional time for the preparation of the court's opinion. (Cal. Rules of Court, rule 23(e)(1).)

O'Leary, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032510	DERON QUARREN HOLLINS	
G032511		

Opinion filed. Judgment affirmed as modified.

O'Leary, J.

We concur: Sills, P.J.
Moore, J.

CIVIL	CARL W. BUCKHORN	Certified for publication
No.	v.	
G032748	ST. JUDE HERITAGE MEDICAL GROUP et al.	

Opinion filed. Order reversed and remanded with directions.

Aronson, J.

We concur: O'Leary, Acting P.J.
Fybel, J.

CRIM	THE PEOPLE	
No.	v.	
G032773	ELDRIDGE WILLIAMS	

Order filed. Pursuant to California Rules of Court, rule 23(e)(1), submission of the above entitled matter is hereby VACATED. Appellant's request for leave to file supplemental brief is GRANTED. The clerk of this court is directed to file the appellant's supplemental brief forthwith. Respondent is invited to file a supplemental respondent's brief no later than 30 days from the date of this order. Appellant's supplemental reply brief will be due 20 days thereafter. The cause will be resubmitted upon the filing of the appellant's supplemental reply brief or the expiration of time to file the reply brief.

Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004 (Cont'd)**

CIVIL JENNIFER LORRAINE TURNER
No. v.
G032937 ROBERT EDWARD TURNER

Order filed. The petition for rehearing is DENIED.

O'Leary, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

CRIM THE PEOPLE
No. v.
G033014 NIZAMEDDINE HASSAN CHOKR

Not for publication

Opinion filed. Judgment reversed.

Rylaarsdam, Acting P.J.

We concur: O'Leary, J.
 Aronson, J.

CIVIL JOHN ELSSENHEIMER
No. v.
G033250 SALLY ELSSENHEIMER;
 ORANGE COUNTY DEPARTMENT
 OF CHILD SUPPORT SERVICES

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant's request to file a supplemental brief is GRANTED. Furthermore, in view of appellant's assertion that the term "public assistance program" as used in Family Code section 4058, subdivision (c) is not defined, appellant is invited to file a second supplemental brief no later than September 17, 2004, addressing the definition of "public assistance" supplied by Family Code section 17000, subdivision (j) in relation to section 4058. The cause will be resubmitted thereafter.

Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004 (Cont'd)**

CIVIL No. G033340	ORANGE COUNTY SOCIAL SERVICES AGENCY; KAREN G. v. SUSANA O.	Certified for publication
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Opinion filed. Appeal is dismissed.

Sills, P.J.

We concur: Moore, J.
Fybel, J.

CIVIL No. G033404	ORANGE COUNTY SOCIAL SERVICES AGENCY v. SOFIA H. et al.	Not for publication
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Opinion filed. Order affirmed.

Fybel, J.

We concur: Moore, Acting P.J.
Ikola, J.

CIVIL No. G033506 G033745	ORANGE COUNTY SOCIAL SERVICES AGENCY v. SHERRIE S.	Not for publication
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Opinion filed. Orders affirmed.

Aronson, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
August 31, 2004 (Cont'd)**

CIVIL
No.
G033794

ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
TINA C.

Certified for publication

Opinion filed. Appeal dismissed.

We concur: Moore, J.
Fybel, J.

O'Leary, Acting P.J.

CIVIL
No.
G034235

RICHARD V. MCMILLAN
v.
SADDLEBACK VALLEY
COMMUNITY CHURCH

Order filed. Pursuant to the authority cited in this court's order filed August 19, 2004, the appeal is DISMISSED for lack of jurisdiction.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 1, 2004**

CIVIL BEVERLY HINRICHS
No. v.
G028834 COUNTY OF ORANGE et al.

Order filed. Appellant's motion for leave to file a late letter brief is GRANTED. Each party may file a letter brief responding to the arguments advanced by the other, on or before September 17, 2004. Submission of the above matter is hereby vacated and the cause will be resubmitted on September 20, 2004.

Bedsworth, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

CIVIL GREGORY A. BENFORD et al.
No. v.
G033799 MARK G. BENFORD et al.

Order filed. Appellants have failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is DISMISSED pursuant to Rule 17(a)(1).

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 2, 2004**

CIVIL No. G031094	P-ROUZ CORPORATION v. THE IRVINE COMPANY	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, Acting P.J. Fybel, J.	Aronson, J.
CRIM No. G031837	THE PEOPLE v. RONALD IRVING BRINDLE	Not for publication
	Order filed. Order modifying opinion and denying petition for rehearing; No change in judgment.	
	We concur: Sills, P.J. O’Leary, J.	Rylaarsdam J.
CIVIL No. G032753	RICHARD J. SIMUNDZA v. BARBARA A. SIMUNDZA	Certified for publication
	Opinion filed. Postjudgment order affirmed.	
	We concur: Bedsworth, Acting P.J. Aronson, J.	Fybel, J.
CIVIL No. G033351	MUAMMER GONLUGUR v. CIRCUIT CITY STORES, INC. et al.	Not for publication
	Opinion filed. Order affirmed.	
	We concur: Bedsworth, J. Ikola, J.	Rylaarsdam, Acting P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
September 3, 2004**

CIVIL RITA CLEARY-BLOOM
No. v.
G032872 GARY BLOOM et al.

Order filed. Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is DISMISSED pursuant to Rule 17(a)(1).

Sills, P.J.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY et al.
G033770 v
 ANGELA C.

Not for publication

Opinion filed. Order affirmed.

Fybel, J.

We concur: Bedsworth, Acting P.J.
 Moore, J.

CIVIL NANETTE L. SMITH
No. v.
G034311 DAVID LUIPPOLD

Order filed. Pursuant to California Rules of Court, rule 8(b)(1), the appeal filed August 5, 2004, is DISMISSED for appellant's failure to timely designate the record. (Cal. Rules of Court, rules 4 and 5.)

Sills, P.J.